

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY,  
MISSISSIPPI

RITA MENGUCCI

**FILED**

VS.

SEP 21 2009

BARBARA DUNN, CIRCUIT CLERK  
~~BROWN BOTTLING GROUP, INC.~~ D.C.

PLAINTIFF

CASE NO.: 25109-78/CIV

DEFENDANT

**COMPLAINT**  
(Jury Trial Demanded)

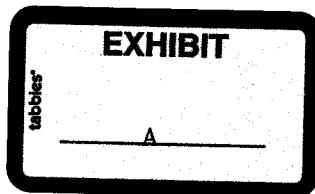
COMES NOW, Plaintiff, Rita Mengucci ("Plaintiff" or "Mengucci"), by and through undersigned counsel, and files this complaint against Brown Bottling Group, Inc., ("Defendant") alleging violations of Federal Laws and State Laws of Mississippi to include sex/gender under 42 U.S.C. § 1981, equal protection, and negligent infliction of emotional distress.

**PARTIES**

1. Plaintiff, Rita Mengucci is an adult resident of the State of Mississippi residing at 132 Old Hillsboro Cutoff Rd., Forest, MS 39074.
2. Defendant, Brown Bottling Group, Inc., is a Mississippi Corporation located at 2550 Medgar Evers Blvd, Jackson, MS and may be served with process by serving its registered agent Gina M. Jacobs, 633 N. State Street, Jackson, Mississippi 39202.

**JURISDICTION AND VENUE**

3. The Court has jurisdiction over the claims in this complaint.
4. The Court has personal jurisdiction over the parties to this claim.
5. Venue is proper in this court since all or part of the acts or omissions giving rise to these claims occurred in Hinds County, Mississippi.



6. Plaintiff was employed by Defendant on November 20, 2004, as a Merchandiser.
7. Plaintiff was terminated on June 10, 2007, in retaliation for her opposition to Defendant's discriminatory conduct and employment practices.
8. Plaintiff was qualified for the position of merchandiser.
9. Plaintiff performed the duties of her job as a merchandiser from November 2004 until her termination on June 10, 2007 in a satisfactory manner.
10. Plaintiff was disciplined more severely than male counterparts for similar infractions.
11. Plaintiff was subjected to different conditions of employment than similarly situated male merchandisers.
12. Defendant's actions toward Plaintiff created an abusive and hostile work environment.
13. Plaintiff complained about the disparate treatment in discipline, conditions of employment, and application of work rules.
14. Plaintiff was replaced by a male.
15. Defendant's conduct was willful, deliberate and malicious.

**CLAIMS**

**COUNT I**  
**DISCRIMINATION & Retaliation (42 USC 1981)**

16. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-15 as if set out here in full.
17. Defendant failed to provide plaintiff access to equal employment opportunities free from discrimination based on her sex (female) and retaliation.

18. As a direct and proximate result of Defendants' actions described herein, Plaintiff has suffered from a loss of income, benefits, and emotional distress.

**COUNT II**  
**EQUAL PROTECTION**

19. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-18 as if set out here in full.
20. Defendant's agent, James Johnson, and others who may be later identified used their apparent authority to treat similarly situated employees more favorable than Plaintiff which had the effect of unreasonably depriving Plaintiff of her right to be treated in the same manner as similarly situated employees.
21. As a direct and proximate result of Defendants' actions described herein, Plaintiff has suffered from a loss of income, benefits, and emotional distress.

**COUNT III**  
**NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

22. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1-21 as if set out here in full.
23. Defendants conduct was outrageous and beyond decency.
24. Defendants' actions directed against Plaintiff were reckless and in total disregard for the foreseeable outcome.
25. As a direct and proximate result of Defendants' actions described herein, Plaintiff has suffered from a loss of income, benefits, and emotional distress.

**PRAYER OF RELIEF**

Plaintiff requests the Court issue the following relief:

- a. Compensatory damages both pecuniary and non-pecuniary in an amount to be determined by a jury;
- b. Attorneys fees, costs and expenses;
- c. Punitive damages in an amount to be determined by a jury.
- d. Award such other relief to which Plaintiff may be entitled under law.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demands judgment against the Defendant and providing compensation for pecuniary and non pecuniary losses in amounts to be determined at trial; punitive damages for willful, malicious and/or reckless conduct in amounts to be determined at trial; reasonable attorneys fees and costs; and such further relief as the Court deems appropriate.

This the \_\_\_\_\_ day of September 2009.

Respectfully Submitted,  
RITA MENGUCCI

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Ermea J. Russell, MB# 5739  
Attorney for Plaintiff

OF COUNSEL:

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